

HOUSE BILL 1491

E1

0lr3525

By: **Delegate Conway**

Introduced and read first time: March 3, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Prohibited Sexual Acts – Exclusion for Private Consensual**
3 **Noncommercial Adult Sexual Activity**

4 FOR the purpose of providing that certain prohibitions against certain sexual acts do
5 not apply to certain consensual noncommercial sexual activity that takes place
6 between consenting adults in private; and generally relating to the applicability
7 of certain provisions of law prohibiting certain sexual acts.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 3–321 and 3–322
11 Annotated Code of Maryland
12 (2002 Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Criminal Law**

16 3–321.

17 **(A) AN INDIVIDUAL MAY NOT BE CHARGED WITH THE OFFENSE OF**
18 **SODOMY FOR A NONCOMMERCIAL ACT OF SODOMY THAT TAKES PLACE**
19 **BETWEEN CONSENTING ADULTS IN PRIVATE.**

20 **(B) A person who is convicted of sodomy is guilty of a felony and is subject to**
21 **imprisonment not exceeding 10 years.**

22 3–322.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) **THIS SECTION DOES NOT APPLY TO A NONCOMMERCIAL SEXUAL ACT**
2 **DESCRIBED IN SUBSECTION (B)(1) OR (2) OF THIS SECTION THAT TAKES PLACE**
3 **BETWEEN CONSENTING ADULTS IN PRIVATE.**

4 **(B)** A person may not:

5 (1) take the sexual organ of another or of an animal in the person's
6 mouth;

7 (2) place the person's sexual organ in the mouth of another or of an
8 animal; or

9 (3) commit another unnatural or perverted sexual practice with
10 another or with an animal.

11 **[(b)] (C)** A person who violates this section is guilty of a misdemeanor and
12 on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding
13 \$1,000 or both.

14 **[(c)] (D)** A person who violates this section is subject to § 5-106(b) of the
15 Courts Article.

16 **[(d)] (E)** An indictment for a violation of this section:

17 (1) is sufficient if it states that the defendant committed an unnatural
18 and perverted sexual practice with a person or animal as applicable; but

19 (2) need not state the particular:

20 (i) unnatural or perverted sexual practice with which the
21 defendant is charged; or

22 (ii) manner in which the defendant committed the unnatural or
23 perverted sexual practice.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2010.